

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8627 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

PRATAPRAI V. JODI,

Versus

STATE OF GUJARAT,

Appearance:

MR ND NANAVATI for Petitioner

Ms Manisha Lavkumar, AGP, for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 11/08/1999

ORAL JUDGEMENT

Heard Mr R.M.Chhaya for the petitioner, Ms Manisha Lavkumar for respondents.

2 In this petition under Article 226 of the Constitution of India the petitioner has challenged the orders dated 9.6.1987 and 13.10.1992 passed by the State Government under Section 34 of the Urban Land (Ceiling & Regulation) Act, 1976, setting aside the order dated

21.6.1991 passed by the Competent Authority and remanding the matter to the Competent Authority for taking further action in accordance with law. While issuing the notice on the petition on 6.12.1992 this Court passed an order directing the parties to maintain status quo and the same was continued during the pendency of the petition.

2 At the hearing of this petition today the learned A.G.P., Ms Manisha Lavkumar, the learned AGP states, in view of the written instructions contained in letter dated 21.6.1999 (Sl.No.18 Unit No.2) received by the Government Pleader's office from Mr B.G.Jhalavadia, competent authority and the Additional Collector, ULC, Ahmedabad, that the respondents authorities have not taken over the possession of the land in question till the grant of the ad interim injunction by this Court and hereafter in view of the interim injunction of this Court.

3 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4 The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M S SHAH, J.)
(mohd)